

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DERRICK L. SMITH,

Plaintiff,

v.

Case No. 18-CV-1030

BRIAN FOSTER, *et al.*,

Defendants.

ORDER

Plaintiff Derrick L. Smith is a Wisconsin state prisoner who is representing himself. On April 2, 2019, the court gave Smith until May 17, 2019, to file an amended complaint and a single motion for preliminary injunctive relief that relates to the subject matter of the amended complaint. Instead, Smith filed a declaration stating that the defendants are continuing to impede his ability to petition the court. He complains that without the five bags of legal materials, enough time in an adequately equipped law library, or use of a laptop, he cannot amend his complaint.

Smith needs none of these things to file an amended complaint. His case concerns allegations of sexual harassment, assault, and retaliation. These are all things that happened *to him*. He does not need legal materials, he does not need to cite case law, and he does not need a laptop to draft his amended complaint. All he needs to do is allege sufficient facts to put the defendants on notice of who he


believes violated his constitutional rights, what he believes they did or did not do to violate his rights, and when they did it.

To the extent he believes he needs his legal materials, access to an adequate law library, or use of a laptop to file a motion for preliminary injunctive relief, he does not. All he needs to do is explain to the court what is happening to him and what he would like the court to do. He does not need to cite anything. Again, as with his amended complaint, Smith can rely solely on his personal knowledge.

The court will give Smith until **June 3, 2019**, to file his amended complaint and a single motion for preliminary injunctive relief, if he is still seeking it.

THEREFORE, IT IS HEREBY ORDERED that Smith has until **June 3, 2019**, to file his amended complaint and, to the extent he still seeks preliminary injunctive relief, a single motion for preliminary injunctive relief. Failure to amend his complaint by June 3, 2019, will result in the dismissal of his case.

Dated at Milwaukee, Wisconsin this 23rd day of May, 2019.


WILLIAM E. DUFFIN
U.S. Magistrate Judge